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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,799	05/25/2001	Lincoln Rodon	41235-066USPT	4515

7590 03/08/2005

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EXAMINER	
O'CONNOR, GERALD J	

ART UNIT	PAPER NUMBER
3627	

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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GROUP 3600

Office Action Summary	Application No.	Applicant(s)	
	09/865,799	Rodon	
	Examiner	Art Unit	
	O'Connor	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *THREE* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *December 13, 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) *1-5* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *6-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *May 25, 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Preliminary Remarks

1. This Office action responds to the amendment and arguments filed by applicant on December 13, 2004 in reply to the Office action mailed September 8, 2004.

2. The amendment of claims 6, 9, and 10, and the addition of claim 11, by applicant in the reply filed on December 13, 2004 are hereby acknowledged.

Election/Restriction

3. Pending claims 1-5 continue to stand as withdrawn from further consideration pursuant to 37 CFR 1.142(b) for being drawn to a non-elected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper Nº 7, filed on June 9, 2003.

Claim Objections

4. Claims 9-11 are objected to because of the following informality: it appears that "said step of" (line 1 of claim 9) was intended to be --said steps of--, which change will be assumed for purposes of further consideration of the claims, hereinbelow. Appropriate correction (or clarification) is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahlstrom et al. (US 4,862,357), in view of Bunyan et al. (EP 1,076,307).

Ahlstrom et al. disclose a method for facilitating selection of travel itineraries comprising: selecting one or more travel criteria; allowing a traveler to define traveler preferences associated with the travel criteria and storing the traveler preferences in a traveler profile; deriving preference factors including a lowest fare multiplier, an available dates index, a non-stop service index, and an equipment type index for said travel criteria based on the traveler preferences; initiating a query of at least one travel information database for itineraries matching the selected travel criteria using an on-line search engine; calculating a travel value index for each itinerary using a travel value algorithm that subtracts preference factors from, or adds preference factors to, or both, an optimal value of the travel value index depending on the criteria matching itineraries; and, returning only itineraries where the travel value index thereof satisfies a traveler defined threshold, but Ahlstrom et al. do not disclose that the optimal value is fixed, nor do Ahlstrom et al. disclose that the threshold value that itineraries must surpass in order to be returned is an index value of the travel value index.

However, Bunyan et al. disclose a similar method, which method indeed includes that the travel value algorithm is defined in a manner such that an optimal value for the travel value index is fixed, and that the threshold value that itineraries must surpass in order to be returned is an index value of the travel value index. See, in particular, column 4, lines 39-54.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the method of Ahlstrom et al. so as to include that the travel value algorithm is defined in a manner such that an optimal value for the travel value index is fixed, and that the threshold value that itineraries must surpass in order to be returned is an index value of the travel value index, in accordance with the teachings of Bunyan et al., in order to not overwhelm the customer by bombarding the customer with too many results/itineraries at once by presenting only a manageable number of the best itineraries, and to facilitate an apples-to-apples comparison in travel value index between disparate itineraries or other travel options.

Regarding claim 7, the method of Ahlstrom et al. further comprises canceling before final completion of the query any itineraries that cannot satisfy the traveler defined threshold.

Regarding claim 8, Ahlstrom et al. disclose a method for facilitating selection of travel itineraries, as applied above in the rejection of claim 6, but Ahlstrom et al. do not specifically disclose that their travel value algorithm is defined in a manner such that an optimal value for the travel value index is approximately 100 percent. However, Bunyan et al. disclose a similar method, which method indeed includes that the travel value algorithm is defined in a manner such that an optimal value for the travel value index is approximately 100 percent. See, in particular, Figures 8 and 9, and column 4, lines 39-42.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the method of Ahlstrom et al. so as to define the travel value algorithm in a manner such that an optimal value for the travel value index would be approximately 100 percent, in accordance with the teachings of Bunyan et al., in order to simplify the presentation of the results and make it easier for the user to discern how different a particular, less-than-optimal result would be from an optimal result.

Regarding claims 9-11, Ahlstrom et al. disclose a method for facilitating selection of travel itineraries, based on traveler preferences which include preferences involving fare, availability, service type, and equipment type, as applied above in the rejection of claim 6, but Ahlstrom et al. do not specifically disclose that the steps of selecting, allowing, deriving, and initiating are performed over the Internet using a Web browser, nor that the preferences are modified using a Web browser in real time over the Internet and that then the steps of selecting, allowing, deriving, and initiating are repeated using the modified preferences. However, Bunyan et al. disclose a similar method, which method indeed includes that the selecting, allowing, deriving, and initiating are performed over the Internet using a Web browser (see column 3, lines 3-4), as well as modifying the preferences using a Web browser in real time over the Internet prior to repeating the steps of selecting, allowing, deriving, and initiating, using the modified preferences (see column 3, lines 23-26).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the method of Ahlstrom et al. so as to use the Internet by means of a Web browser to perform the steps of selecting, allowing, deriving, and initiating, as well as to

modify the preferences using a Web browser in real time over the Internet, then repeating the steps of selecting, allowing, deriving, and initiating using the modified preferences, all in accordance with the teachings of Bunyan et al., in order to reach as broad/widespread of a customer base as possible, and to allow customers as much flexibility as possible.

Response to Arguments

7. Applicant's arguments filed December 13, 2004 have been fully considered but they are not persuasive.

8. Regarding the argument that the method of Ahlstrom et al. does not disclose that the traveler can determine his own travel preferences because the travel itineraries are selected in accordance with a predetermined travel policy, the predetermined travel policy of Ahlstrom et al. is the predetermined travel policy *of the traveler*. See, for example, column 3, lines 16-18, where Ahlstrom et al. state, "Additional processing time can be saved if the user, through the travel policy, elects to eliminate round trip fares from consideration under certain circumstances." Clearly, Ahlstrom et al. are indicating that the user is setting the preferences/policies for their trip.

In any event, even if the "traveler preferences/policies" were the preferences/policies of some other entity, such as the company that employed the traveler, as apparently inferred by applicant, the argument would be moot in the instance of a company having only one employee (i.e., a self-employed individual), in which case the traveler preferences would necessarily, thus inherently, indeed be the preferences of the traveler.

9. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Bunyan et al. teach that raw scores are one way of looking at suitability scores for comparing itineraries, and that normalizing the data by fitting the scores to a percentage scale of 0% to 100% is an optional, alternative way of comparing the scores. See, in particular, column 4, lines 39-54.

10. Regarding the argument that Ahlstrom et al. teaches away from the motivation to make the combination suggested by the examiner because the dollar-based scores of Ahlstrom et al. are more useful in making a comparison (than the normalized scores of Bunyan et al. and applicant), Bunyan et al. teach that viewing raw scores and viewing normalized scores are two different ways of viewing the same data/scores, each way having merit. The method of Ahlstrom et al. could benefit by assigning the best raw score a value of 100% and lesser scores a commensurately lesser percentage value, in accordance with the teachings of Bunyan et al., since this would allow unbiased comparisons to be made among various itineraries regardless of the relative value/cost of a particular trip. For example, one could choose a "90%" itinerary score over an ostensibly better "100%" one, for various good and valid reasons, without being jaded/swayed by whether the 90% represented a $50 difference on a $500 trip or a $500 difference on a $5,000 trip.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to the disclosure.

12. Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication, or earlier communications, should be directed to the examiner, **Jerry O'Connor**, whose telephone number is **(703) 305-1525**, and whose facsimile number is (703) 746-3976.

The examiner can normally be reached weekdays from 9:30 to 6:00.

PLEASE TAKE NOTICE that on April 14, 2005 the examiner's telephone and facsimile numbers will be changing, to (571) 272-6787 and (571) 273-6787, respectively.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Mr. Robert Olszewski, can be reached at (703) 308-5183, or, beginning April 14, 2005, at (571) 272-6788.

Official replies to this Office action may be submitted by any *one* of fax, mail, or hand delivery. **Faxed replies are preferred and should be directed to (703) 872-9306** (not changing). Mailed replies should be addressed to "Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450." Hand delivered replies should be delivered to the "Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314."

GJOC
March 1, 2005

(5-1-05)

Gerald J. O'Connor
Patent Examiner
Group Art Unit 3627